

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NGOZI OGBO, IRUKA NDUBUIZU, GLADS
AZINGE, *and* JANE OGBONNA,

Plaintiffs,

– *against* –

CSX TRANSPORTATION, INC., NORFOLK
SOUTHERN RAILWAY COMPANY, MAERSK
LINE LIMITED, MAERSK AGENCY U.S.A.,
INC., ABC TRUCKING AND LOGISTICS,
L.L.C., OFFSHORE LOGISTICS, L.L.C., JOHN
DOE #1–5, *and* ABC CORP #1–5,

Defendants.

ORDER

23-cv-10297 (ER)

RAMOS, D.J.:

This case was transferred in from the Southern District of Georgia on November 22, 2023. Doc. 47. This Court held an initial pretrial conference on June 13, 2024. Onyi Ekwegbalu, who was counsel for Plaintiffs in the Georgia action, appeared at the conference along with Ngozi Ogbo, one of the Plaintiffs. Ekwegbalu stated that he was not admitted in this Court and that he did not know whether he would move to be admitted *pro hac vice*. Defendant CSX Transportation, Inc., has now moved to dismiss the complaint as to CSX for failure to state a claim. Doc. 60. Ekwegbalu still has not filed an appearance.

Accordingly, Plaintiffs are directed to either: (1) have Ekwegbalu enter an appearance *pro hac vice* by July 19, 2024; *or* (2) retain substitute counsel and have that counsel enter an appearance by July 19, 2024; *or* (3) state their intention to proceed *pro se* by July 19, 2024. Failure to abide by this order may result in adverse action, including dismissal for failure to prosecute.

Ekwegbalu is directed to serve a copy of this order to his clients via email and overnight mail, return receipt requested, by no later than July 8, 2024. Ekwegbalu is also directed to submit a certificate of service to the Court via email.

With respect to CSX's motion to dismiss, the briefing schedule shall be as follows: Plaintiffs' opposition shall be due August 9, 2024; CSX's reply shall be due August 16, 2024.

The Clerk of Court is respectfully directed to mail a copy of this order to Ekwegbalu at the following address:

The Ekwegbalu Law Firm, P.C.
235 Peachtree Street
Suite 400
Atlanta, GA 30303

It is SO ORDERED.

Dated: June 28, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.